

08-25-04

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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

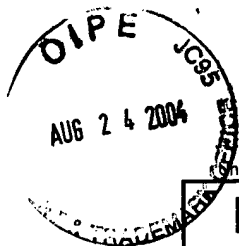
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/754,949	
	Filing Date	January 4, 2001	
	First Named Inventor	Justin MCCARTHY	
	Art Unit	1646	
	Examiner Name	O. Chernyshev	
Total Number of Pages in This Submission	19	Attorney Docket Number	219002031500

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate for fee processing)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition (3 pages)	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Notice to File Corrected Application Papers mailed on April 22, 2003 (1 page)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Copy of Response to Notice to File Corrected Application Papers and associated documents mailed May 6, 2003 (8 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)		Copy of Office Communication mailed May 21, 2004 (4 pages)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		Return receipt postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks  Customer No. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP James J. Mullen III, Ph.D. - 44,957
Signature	
Date	August 24, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 548425524 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: August 24, 2004	Signature:  (Grace Yu)



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

## Complete if Known

Application Number 09/754,949  
Filing Date January 4, 2001  
First Named Inventor Justin MCCARTHY  
Examiner Name O. Chernyshev  
Art Unit 1646  
Attorney Docket No. 219002031500

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	110.00
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

## SUBMITTED BY

Name (Print/Type) James J. Mullen III, Ph.D.

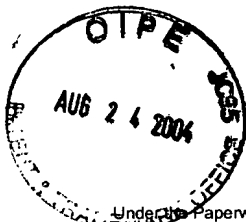
Registration No. (Attorney/Agent) 44,957

(Complete if applicable)

Telephone (858) 720-7940

Signature

Date August 24, 2004



1452

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)  
219002031500

First Named Inventor: Justin MCCARTHY

Art Unit: 1646

Application Number: 09/754,949

Filed: January 4, 2001

Examiner: O. Chernyshev

Title: METHODS FOR IDENTIFYING INHIBITORS OF NEURONAL DEGENERATION

MS Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.☒ Other than small entity – fee \$ 110.00 (37 CFR 1.17(l)).**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in the form of**Response to Notice to File Corrected Application Papers (identify the type of reply):☒ has been filed previously on May 6, 2003.☐ is enclosed herewith.**B. The issue fee of \$ 1630.00**☒ has been filed previously on March 11, 2003.☐ is enclosed herewith.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 548425524 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 24, 2004

Signature:  (Grace Yu)

sd-216360

08/26/2004 FFANAI2 00000001 031952 09754949

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110.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

August 24, 2004

Date



Signature

(858) 720-7940

Telephone Number

James J. Mullen III, Ph.D.

Typed or printed name

44,957

Registration Number, if applicable

MORRISON & FOERSTER LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130

Address

Enclosure ☒ Fee Payment - Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

☐ Reply

☐ Terminal Disclaimer Form

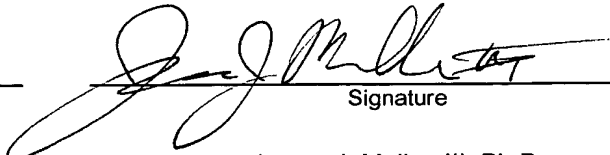
☐ Additional sheets containing statements establishing unavoidable delay

☒ Copy of Notice to File Corrected Application Papers mailed April 22, 2003 (1 page)  
Copy of Response to Notice to File Corrected Application Papers and associated documents mailed May 6, 2003 (8 pages)  
Copy of Office Communication mailed May 21, 2004 (4 pages)  
Return receipt postcard

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

August 24, 2004  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

44,957  
\_\_\_\_\_  
Registration Number, if applicable

James J. Mullen III, Ph.D.  
\_\_\_\_\_  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicants request that the present case be revived as unavoidably abandoned due to an error on the part of the U.S. Patent and Trademark Office (the Office) and passed to issuance.

Applicants prosecuted the above-referenced application to issuance. A Notice of Allowance/Issue Fee Due was received from the Office on December 12, 2002. Applicants timely paid the issue fee on March 11, 2003. Subsequent to Applicants submission of the issue fee, the Office mailed a Notice to Submit Corrected Application Papers April 22, 2003. As can be seen, the Notice requests Applicants to amend the description of the drawings in the application. Applicants submitted the information requested of them on May 6, 2003 (copy enclosed). In response, the Office mailed a Notice of Abandonment on July 2, 2003, which alleged that Applicants failed to provide amended figures previously requested. Applicants note that no figures were called for in the Notice to Submit Amended Application Papers. The Office Communication mailed May 21, 2004 explained that Applicants' submission of May 6, 2003 came after the payment of the issue fee. However, this fact is insufficient to justify the Office's abandonment of the present case.

Applicants have complied with and been responsive to all requests made by the Office in connection with this case. The abandonment of this case was unavoidable on the part of Applicants because the error was made by the Office. Thus, the circumstances regarding the abandonment of this case were completely out of Applicants' hands. In view of these facts, Applicants request that the present case be revived and passed to issuance.

*(Please attach additional sheets if additional space is needed)*



UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Serial No. : 09/754,949  
Applicant : JUSTIN  
MCCARTHY  
Filing Date : 01/04/01  
Mail Date: 04/22/03

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

The Brief Description for serial number 09/754,949 is not acceptable because:

- IT DOES NOT CITE FIGURE 5D, 6C AND 7C.

**APPLICANT MUST SUPPLY CORRECTIONS WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.**

*A copy of this notice MUST be returned with the reply. Please address response to "Box Issue Fee".*

ROCHAUN JOHNSON

Name

Data Query

**COPY**



MAILSTOP: ISSUE FEE

UTILITY/DESIGN PATENT

(miscellaneous)

Date: 5-26-03

Date of Action: 4-22-03

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: SC105-01219 Applicant: MCCARTHY, ET AL.

Title: METHODS FOR IDENTIFYING INHIBITORS OF...

App No.: 09/154,919 Filed: 1-4-01

Exr: O. CHERNYSHEV Art Unit: 1646

Batch: \_\_\_\_\_ Re-Exam No.: \_\_\_\_\_

Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

VERIFIED BY: Asst: CLM Atty: S. MULLEN QC: \_\_\_\_\_

☒ RESPONSE TO NTC. TO FILE CORRECTED APP. PAPERS

☒ COPY OF NOTICE TO FILE CORRECTED APP. PAPERS

☒ TRANSMITTAL LETTER

☐

☐

☐

☐

☐

☒ Return Prepaid Postcard

(3/6/02)

COPY



PATENT

Case Docket No. SCIOS.012A

Date: May 6, 2003

Page 1

In re application of : McCarthy, et al.  
App. No. : 09/754,949  
Filed : January 4, 2001  
For : METHODS FOR IDENTIFYING  
INHIBITORS OF NEURONAL  
DEGENERATION  
Examiner : OLGA N. CHERNYSHEV  
Art Unit : 1646

I hereby certify that this correspondence and all marked  
attachments are being deposited with the United States  
Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450, on

May 6, 2003

(Date)

James J. Mullen III, Ph.D., Reg. No. 44,957

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mailstop: Issue Fee

Sir:

Transmitted herewith is a **Response to Notice to File Corrected Application Papers** in the above-  
identified application.

Also enclosed:

- (X) A Copy of the Notice to File Corrected Application Papers.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.
- (X) Please use Customer No. 20,995 for the correspondence address.

James J. Mullen III, Ph.D.  
Registration No. 44,957  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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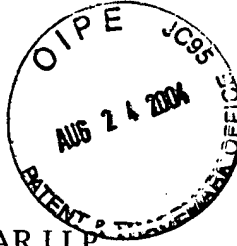
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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Serial No. : 09/754,949  
Applicant : JUSTIN  
MCCARTHY  
Filing Date : 01/04/01  
Mail Date: 04/22/03

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

The Brief Description for serial number 09/754,949 is not acceptable because:

- IT DOES NOT CITE FIGURE 5D, 6C AND 7C.

**APPLICANT MUST SUPPLY CORRECTIONS WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.**

*A copy of this notice MUST be returned with the reply. Please address response to "Box Issue Fee".*

ROCHAUN JOHNSON

Name

Data Query

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : McCarthy, et al.  
Appl. No. : 09/754,949  
Filed : January 4, 2001  
For : METHODS FOR IDENTIFYING  
INHIBITORS OF NEURONAL  
DEGENERATION  
Examiner : OLGA N. CHERNYSHEV

Group Art Unit 1646

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May 6, 2003

(Date)

James J. Mullen III, Ph.D., Reg. No. 44,957

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAILSTOP: ISSUE FEE

Dear Sir:

In response to the Notice to File Corrected Application Papers mailed April 22, 2003, kindly consider the following amendments and remarks.

COPY

### AMENDMENTS TO THE SPECIFICATION

Please amend pages 8 and 9 of the specification to read as follows:

Figure 4A demonstrates that increasing concentrations of dominant negative forms of the  $\alpha$ PKCs,  $\zeta$ PKC-DN and  $\lambda$ /tPKC-DN, are capable of inhibiting PS-1 induced NF- $\kappa$ B transcription activation. However  $\zeta$ PKC-DN inhibited signaling to a much greater extent and at lower concentrations. These data indicate that PSI induced NF- $\kappa$ B activation is mediated by  $\zeta$ PKC.

Figure 4B shows that exogenous  $\zeta$ PKC can rescue 293 cells from apoptotic cell death. The figure also demonstrates that  $\zeta$ PKC can rescue increased vulnerability to apoptosis resulting from FAD PSI expression.

Figure 4C shows that Par-4 severely abrogates PSI induced NF- $\kappa$ B activation in 293 human embryonic kidney cells.

Figure 4D demonstrates that Par-4 inhibits PSI induced NF- B activation through the  $\alpha$ PKCs. In the presence of an activated  $\zeta$ PKC mutant, Par-4 showed a significantly reduced ability to inhibit PSI mediated NF- $\kappa$ B activation.

Figure 4E demonstrates that PS-1 mediated NF- $\kappa$ B activation requires p62 activity. Overexpression of p62 increases the activation of NF- $\kappa$ B by PSI compared to control levels while expression of an anti-sense p62 construct reduces activation of NF- $\kappa$ B by PS 1 to levels below those seen when PS 1 VT is transfected alone.

Figure 5A, upper panel, illustrates that RIP co-immunoprecipitates with PSI in a TNF $\alpha$  dependent manner, indicating that PSI is involved in TNF $\alpha$  -induced NF- $\kappa$ B activation. The lower panel shows that the association between PSI and RIP temporally coincides with activation of NF- $\kappa$ B following stimulation with TNF $\alpha$  as determined by electrophoretic mobility shift assay.

Figure 5B indicates that PS1-WT has a synergistic effect on TNF $\alpha$  induced NF- $\kappa$ B activation.

Figure 5C indicates that like wild type PSI, PS1-FAD mutants synergistically increase TNF $\alpha$  induced NF- $\kappa$ B activation.

Figure 5D shows a bar graph indicating relative luciferase activity induced by PS1, PS1+TNF $\alpha$ , E280G, and E280G+TNF $\alpha$ .

Figure 6A demonstrates that TNF $\alpha$  treatment enhances the association between PS1 and RIP.

Figure 6B shows the results of electrophoretic mobility shift assays indicating that sequence specific NF- $\kappa$ B binding is transiently and maximally enhanced within 10 minutes of treatment with TNF $\alpha$ , thus correlating the association between PS1 and RIP demonstrated in Figure 6a with TNF $\alpha$  stimulation.

Figure 6C shows the results of an electrophoretic mobility shift assay.

Figure 7A shows quantitative RT-PCR analysis of Par-4 expression in PC12 cells stably expressing PC1-WT and PS1-FAD mutants following induction of apoptosis. Par-4 mRNA levels increased to a greater extent in the cells expressing PS1-FAD mutants.

Figure 7B shows that consistent with the results presented in Figure 7A, Par-4 protein levels are increased more rapidly and to higher levels in cells expressing PS1-FAD mutant protein when exposed to an apoptotic stimulus.

Figure 7C shows Par-4 protein levels produced over time.

Figure 8 shows NF- $\kappa$ B activation following an apoptotic insult in PC12 cells stably expressing PS 1 -WT or PS1-FAD. PS1-FAD expressing cells showed a significant reduction in specific NF- $\kappa$ B binding complex formation following etoposide treatment.

Figure 9A shows that the expression of a constitutively active  $\zeta$ PKC mutant can prevent the increased susceptibility to apoptosis seen in cells transiently transfected with PSI -FAD mutations.

Figure 9B shows that the expression of a constitutively active  $\zeta$ PKC mutant can prevent the increased susceptibility to apoptosis seen in PC12 cells stably expressing PS 1 -FAD mutations. This suggests that the increased susceptibility to apoptosis seen in these mutants may require inhibition of aPKC activity.

~~demonstrate that PS 1 induced NF- $\kappa$ B activation is mediated by aPKC.~~

Figure 10 is a chart illustrating the activation of NF- $\kappa$ B by the atypical protein kinases.

Figure 11A shows the nucleotide sequence encoding a human Par-4 protein (SEQ. ID NO: 1).

Figure 11B shows the deduced amino acid sequence of a human Par-4 protein (SEQ 10 NO: 2).

**Appl. No.** : 09/754,949  
**Filed** : January 4, 2001

Figure 12A shows the nucleotide sequence encoding a human PS1 protein (SEQ. ID NO: 3).

Figure 12B shows the deduced amino acid sequence of a human PS1 protein (SEQ ID NO: 4).

Appl. No. : 09/754,949  
Filed : January 4, 2001

### REMARKS

The specification has been amended to recite descriptions of Figures 5D, 6C, and 7C. No new matter was introduced by these amendments as the descriptions of the figures was taken from the figures as originally filed.

Applicants have endeavored to address all issues raised in the Notice. Nevertheless, the PTO is invited to contact the undersigned at the telephone number below to discuss any remaining issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6 May 2003

By: 

James J. Mullen III, Ph.D.

Registration No. 44,957

Attorney of Record

Customer No. 20,995

(619) 235-8550

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JM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,949	01/04/2001	Justin McCarthy	SCIOS.012A	4532

20995 7590 05/21/2004

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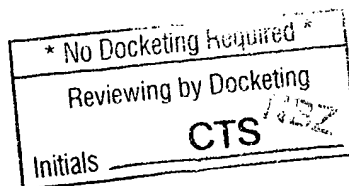
EXAMINER

CHERNYSHEV, OLGA N

ART UNIT PAPER NUMBER

1646

DATE MAILED: 05/21/2004



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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Attachment to PTO-90 form.

1. The Amendment of May 09, 2003, which includes amendment of the Brief Description of the Drawings was submitted after the payment of issue fee. The Amendment of May 09, 2003 is entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga N. Chernyshev whose telephone number is (571) 272-0870. The examiner can normally be reached on Monday to Friday 9 AM to 5 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)0. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers.

Official papers filed by fax should be directed to (703) 872-9306. If this number is out of service, please call the Group receptionist for an alternative number. Faxed draft or informal


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communications with the examiner should be directed to (571) 273-0870. Official papers should NOT be faxed to (571) 273-0870.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga N. Chernyshev, Ph.D.

  
**OLGA N. CHERNYSHEV, PH.D.**  
**PATENT EXAMINER**

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